



CCL.008  
Rev.9/07

**Kansas Department of Health and Environment**  
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## **LICENSING AND REGISTRATION OF CHILD CARE IN KANSAS**

(Authorized by K.S.A. 65-501 *et seq.*)

### **INTRODUCTION**

The original licensing law passed in 1919 placed the licensing authority with the Board of Health, which later became the Kansas Department of Health and Environment. The Department administers the licensing law as a prevention program to assure that out-of-home care for children and maternity patients will not be exploitive, unsafe or unhealthy. The purpose of regulation is to reduce the risk of predictable harm to children cared for in out of home settings; to provide a foundation of health and safety protection for children's well-being and to provide basic consumer protection for Kansas children and families.

Registration or Licensure (depending on the number of children in care) is required regardless of the motivation for providing care, and whether or not there is advertisement of or payment for services. The essential facts are that a child or children receive care away from their own homes and are unattended by their parents.

#### **Registration or licensing in home-based care is not required when:**

- 1) Child care is provided for not more than two children unrelated to the provider for not more than 20 hours a week and the home has not been closed as a result of enforcement action.\*\* Total time is determined by adding the hours each child is cared for weekly.
- 2) Irregular child care is arranged between friends and neighbors on an exchange basis.
- 3) Child care is provided in the child's own home.
- 4) Child care is provided in the home of the child's relative.

### **CATEGORIES OF CHILD CARE**

#### **CHILD DAY CARE (less than 24 hours per day)**

**Registered Family Day Care Homes (K.S.A 65-517 *et seq.* and K.A.R. 28-4-120, 122 through 131.)** "Registered family day care home" means a place maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day. The child care provider must provide the care in the provider's residence and care is limited to a maximum of 6 children, birth to 16 years of age with not more than three children under 18 months of age. All children under 12 years of age related to the provider are included in the total.

**Licensed Day Care Homes (K.A.R. 28-4-113 *et seq.*)** "Licensed day care home" means the premises in which care is provided for a maximum of 10 children under 16 years of age with limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(e)(1). This total includes children under 11 years of age related to the provider.

**Group Day Care Homes (K.A.R. 28-4-113 *et seq.*)** "Group day care home" means the premises in which care is provided for a maximum of 12 children under 16 years of age with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1). This total includes children under 11 years of age related to the provider.

**Child Care Centers (K.A.R. 28-4-420 *et seq.*)** "Child care center" means a facility in which care and educational activities are provided for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care, or which provides before and after school care for school-age children. A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations.

**Preschools (K.A.R. 28-4-420 *et seq.*)** "Preschool" means a facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 72-1107(c) and any amendments thereto, and who are 30 months of age or older; which conducts sessions not exceeding three hours per session; which does not enroll any child more than one session per day; and which does not serve a meal. The term "preschool" shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperatives. A preschool may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations. In lieu of being licensed, preschools operated in the same building as private schools providing kindergarten through grade six shall be governed by Kansas statutes applicable to private schools.

**School Age Programs (K.A.R. 28-4-576 *et seq.*)** "School age program" means a child care facility that serves exclusively school-age children and youth. This definition includes building based school age programs, mobile summer programs and outdoor summer camps.

**Drop In Programs (K.A.R. 28-4-700 et seq.)** “Drop in program” means a child care facility that is not located in an individual’s residence, that serves exclusively school-age children and youth, and in which the operator permits children and youth to arrive at and depart from the program at their own volition and at unscheduled times. This term shall not include a program, instructional class, or activity as specified in K.A.R. 28-4-578(b).

### **RESIDENTIAL CARE (24 hour care)**

**Family Foster Homes (K.A.R. 28-4-311 et seq.)** “Family foster home” means a private home in which care is given for 24 hours a day for a small number of children away from their parent or guardian.

**Attendant Care Facilities (K.A.R. 28-4-285 et seq.)** “Attendant care facility” means a boarding home for children at which attendant care is provided. Attendant care provides one on one direct supervision of a juvenile, 10 years of age and older, who has been taken into custody in a non-secure setting. Care is limited to less than 24 hours a day excluding weekends and court holidays.

**Group Boarding Homes (K.A.R. 28-4-268 et seq.)** “Group boarding home” means a non-secure facility providing residential care for not less than five nor more than ten persons unrelated to the caregivers, and includes emergency shelters and maternity homes.

**Residential Centers (K.A.R. 28-4-268 et seq.)** “Residential center” means a non-secure facility which provides residential care for more than 10 residents unrelated to the caregivers, and includes emergency shelters and maternity homes.

**Detention Centers (K.A.R. 28-4-350 et seq.)** “Detention center” is a secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders under 16 years of age pending court disposition.

**Secure Care Centers (K.A.R. 28-4-350 et seq.)** “Secure care center” is a secure youth residential facility, other than a juvenile detention facility, used to provide care and treatment for alleged or adjudicated children in need of care pursuant to the Kansas code for the care of children.

**Secure Residential Treatment Facilities (K.A.R. 28-4-330 et seq.)** “Secure residential treatment facility” is a secure facility operated or structured to provide a therapeutic residential care alternative to psychiatric hospitalization for five or more youth with a diagnosis of a severe emotional, behavioral, or psychiatric condition. “Treatment” means comprehensive, individualized, goal-directed, therapeutic services provided to youth.

The State Department of Health and Environment does not place children in residential care. Children are placed by their parents or guardian, by a public agency such as Social and Rehabilitation Services, or by a private child placing agency licensed to conduct placement services.

### **SPECIAL CATEGORIES OF SERVICE REQUIRING A LICENSE**

**Child Placing Agencies (K.A.R. 28-4-170 et seq.)** “Child placing agency” is a social service agency which receives children for services including placement in residential programs or in foster family homes, or for adoption.

**Maternity Care (K.A.R. 28-4-268 et seq.)** “Maternity care” is residential care which includes services to females during pregnancy.

**Maternity Centers or Hospitals (K.A.R. 28-4-370 et seq.)** “Maternity center” is a facility not licensed as a medical hospital, which provides delivery services for normal, uncomplicated pregnancies.

**Day Care Referral Agencies (K.A.R. 28-4-185 et seq.)** “Day care referral agency” is an agency that assists parents in finding child day care by providing referral services.

### **FURTHER INFORMATION:**

Criminal history and child abuse registry background checks are required for persons 10 years of age and older living, working and volunteering in a child care facility or family day care home.

\*\*The Secretary of the Kansas Department of Health and Environment ( KDHE) may levy a fine, suspend, deny or revoke a license or a certificate of registration for violation of regulations or child care licensing statutes.

Information about licensing procedures and copies of regulations may be obtained by accessing our website at [www.kdheks.gov](http://www.kdheks.gov), by contacting your local health department (address under county government) or by writing the Child Care Licensing and Registration Program.